

GODFREAD LAW FIRM, P.C.

6043 Hudson Road, Suite 305, Woodbury, MN 55125

January 16, 2014

Via email and first class mail

Magistrate Judge Noel
U.S. Courthouse, Suite 9W
300 South Fourth Street
Minneapolis, MN 55415
<noel_chambers@mnd.uscourts.gov>

Re: Notice regarding related case in Northern District of Georgia
AF Holdings v. Patel, Case No. 13-mc-68

Dear Magistrate Judge Noel:

This letter is to notify the court of a possible conflict between the orders of this Court and the Northern District of Georgia. A conflict possibly exists because Judge O'Kelley's order [ECF No. 90] *denied* the plaintiff's motion for a protective order [ECF No. 60] but *granted* the plaintiff's motion to quash [ECF No. 68] even though the subpoena served on Mr. Hansmeier was attached to *both* motions. This court subsequently granted Mr. Patel's motion based on Judge O'Kelley's discussion of [ECF No. 60].

Mr. Hansmeier has asserted in his correspondence with the undersigned as well Mr. Patel's counsel in Georgia (Blair Chintella) his position that Judge O'Kelley's order quashed the subpoena. It has been Mr. Patel's position that the subpoena was not quashed because the Northern District of Georgia lacked jurisdiction to quash a District of Minnesota subpoena. That a motion to quash must be filed in the district where the subpoena issued seems to be well established in both the Eighth and Eleventh Circuits.¹

This Court's most recent Order issued on January 14 references the order in the Northern District of Georgia, and undoubtably considered that order. A response was recently filed in the Northern District of Georgia regarding the lack of clarity regarding the subpoenas, including the subpoena served on Mr. Hansmeier. *See* [ECF No. 100]. The purpose of this letter, however, is simply to notify the court of a possible conflict in the full interests of candor with the tribunal. Patel maintains that Mr. Hansmeier has neither complied, nor properly objected, nor properly moved to quash the subpoena.

Sincerely,

s/Paul Godfread
Paul Godfread

Copy: Paul Hansmeier (via email)
Blair Chintella (via email)

¹ *See In re Digital Equip. Corp.*, 949 F.2d 228, 231 (8th Cir. 1991); *Matter of Certain Complaints Under Investigation by an Investigating Comm. of Judicial Council of Eleventh Circuit*, 783 F.2d 1488, 1495 (11th Cir. 1986).